

**BOARD OF GAME AND INLAND FISHERIES  
4000 WEST BROAD STREET  
RICHMOND, VIRGINIA 23230**

**JULY 17, 2007**

**Present:** James W. Hazel, Chairman, Richard E. Railey, Jr. Vice-chairman, William T. Greer, Jr., John W. Montgomery, Jr., Ward Burton, Sherry S. Crumley, C. T. Hill, Randy J. Kozuch, Charles S. Yates, Thomas A. Stroup and Mary Louisa Pollard; **Legal Counsel:** Roger Chaffe, **Absent;** **Director:** J. Carlton Courter, III; **Senior Staff:** Colonel Mike Bise, Raymond E. Davis, Bob Duncan, Charlie Sledd, David Whitehurst, Gary Martel.

Mr. Hazel called the meeting to order at 9:00am. The Mission Statement was read into the record and Captain Mike Minarick, Region 1 lead the Pledge of Allegiance to the Flag. A quorum was present. Mr. Hazel also introduced our new Board Member, Ms. Mary Louisa Pollard. Ms. Pollard will represent the First Congressional District. Ms. Pollard stated she looked forward to working with the Board and thanked everyone for their warm welcome.

**Recognition of John W. Montgomery, Jr.** Mr. Hazel recognized Mr. John Montgomery who served as Chairman of the DGIF Board from July 1, 2006-June 30, 2007. He was very active with the staff and has provided valuable input in moving the agency forward and he also worked with the Search Committee on hiring the current director, J. Carlton Courter, III. Mr. Hazel reflected on Mr. Montgomery's comments during the August 5, 2005 Board Meeting where conversation was held between Mr. Montgomery and the staff regarding Crayfish. On behalf of the Board, Mr. Hazel presented Mr. Montgomery with a poster from DGIF that shows the 25 species of Crayfish in Virginia. Mr. Montgomery thanked everyone (the Board, the employees, and the Sportsmen and Sportswomen of Virginia) for their support and the distinct pleasure of being able to serve as Chairman. Mr. Hazel also presented him a more traditional gift – a gavel for his service.

Mr. Hazel congratulated Mr. Montgomery and Mr. Ward Burton on their reappointments to the Board.

**Recognition of Employees and Others.** Mr. Hazel recognized Mr. Courter. Mr. Courter called upon Mr. Gary Martel, Division Director for Fisheries. Mr. Gary Martel recognized Trout Unlimited and Virginia Dominion Power. Virginia Dominion Power provided approximately \$25,000 through a donation to Trout Unlimited for the purchase of a trout egg sterilization unit for the Department. This equipment will provide cost savings through more efficient trout food utilization and protect wild and native trout stocks. Mr. John Ross from Trout Unlimited said they were delighted to be a part of the partnership with Dominion Resources and DGIF.

Mr. Courter recognized Mr. Bob Duncan, Division Director of the Wildlife Division. Mr. Duncan recognized Mr. Wayne Harne, Chairman of the Fauquier County Disability Service Board. Mr. Harne presented an Accessible Recreational Site Award to the agency for DGIF's Disabled Hunt Program on the Hogue Tract of the Phelps Wildlife Management Area. This program has been in operation for ten years. It provides wheel chair accessible deer stands and a hunting trail. Mr. Jerry Sims, Regional Manager accepted the award for the agency. Mr. Tom Reese gave a brief history of the project and thanked everyone for their support.

**Hound Hunting Process Proposal:** Mr. Hazel thanked everyone for coming to hear and talk about the process. **He reiterated the fact that no proposals regarding this issue would be acted upon by the Board today on hound hunting of any kind.** It is the beginning of the process and will be explained by the staff. Mr. Hazel stated that it is very unfortunate that a post card was mailed stating that this was an Anti-Hunting agenda. He reminded everyone that is not the mission of the Board nor is it the direction the proposal will take or the intention of the proposal. Mr. Hazel stated everyone that requested to speak will be given the opportunity to do so and asked everyone to be respectful to each other and the staff as comments are presented.

Mr. Hazel asked for comments from the Board before the presentation by Mr. Bob Duncan. Mr. Railey stated that he was the only active dog deer hunter on the Board. He stated that he had friend who said that in approximately 5 years hunting with dogs would be extinct and he also stated he had friend who hunted without dogs-they were there first. Mr. Railey stated that both sides needed to find a reasonable compromise to the issue so the future of deer hunting would continue for generations to come. He had read all of the comments and supports the study.

Mr. Montgomery stated these were the comments submitted on the web site during the regulatory comment period.

Mr. Burton stated that there was a misconception regarding his beliefs and passions about the outdoors and our natural resources. He loves the outdoors and that is why he agreed to serve on the Board. Through the years, he has been perceived as being "anti-dog". He is not. As a landowner, he has dealt with different issues with individuals who run dogs on his property and has also hunted with people who use dogs.

Mr. Hazel thanked the board members for their comments.

Mr. Duncan made the following presentation on the Hound Hunting Proposal: It is obvious by today's attendance (approximately 300+) that dog hunting matters in Virginia. We appreciate your interest in this sport. Hounds have played a very important part in the tradition of hunting in Virginia. Throughout the history, dogs have been used to hunt deer, bear, foxes, raccoons, rabbits and other species. Some of the statistics on those who use hounds are: 30% of VA deer hunters (70% located in Tidewater); 45% of bear hunters; more than 90,000 hunter-days totaling raccoon hunting and 100,000 hunter-days total fox hunting.

Some of the more modern challenges are the changing landscape (decreasing land available for hunting; decreasing parcel size; increasing turnover in land ownership; increasing development, traffic, etc.); changing demographics (increasing human population; increasingly urban; increasing consumptive use of outdoors, decreasing familiarity with hunting and hunting dogs); changing attitudes (increasing concern for animal welfare, increasing concerns about fair chase and decreasing acceptance of tradition).

The issues facing us today are: in the Southeast several states (e. g., FL, GA, SC) and timber companies have restricted use of hounds for hunting deer since 2000; citizen initiatives in 13 states to restrict bear hunting, many regarding use of hounds; referendums, legislative interventions, law suits have often forced actions in other states; use of dogs to hunt foxes, deer, and hares prohibited in the UK in 2005.

The Virginia experience has been to address these issues on a case by case basis; develop and implement species management plans such as the deer and bear plans. These plans call for intervention from voluntary to legal solutions and using the stakeholder involvement approach to solve some of these issues. Some of the more recent developments have been:

**2006:** VDGIF staff planned to assemble an internal committee to address hunting with hounds;

**2006:** Sunday hunting survey of hunters indicated strongest opposition to use of hounds;

**March 2007:** Citizen presentation to Board expressing concerns about deer hunting with hounds;

**April-June 2007:** VDGIF regulations web forum included 928 “hunting with dogs: comments received from 254 individuals (44% of all individuals commenting).

The current direction is to develop a plan similar to the VA Bear Management Plan, 2001-2010 and the VA Deer Management Plan, 2006-2015. These plans have been successful and include; identifying issues associated with use of hounds; they contain goals/objectives to ensure hunting ethics and respect of citizen rights and identifying strategies to address these objectives.

The hound hunting recreational goal is to provide diverse opportunities for hunting with hounds in Virginia in a manner that is fair, sportsmanlike, and consistent with the rights of private and public property owners and other citizens.

The DGIF staff has developed the following proactive approach in developing the hound hunting process plan: it incorporates biological and sociological considerations; it will be

modeled after the Bear and Deer Management Plans; DGIF will contract with Virginia Tech to lead the process and serve as a third party. Virginia Tech's role will be to hire a research assistant who has expertise in human demention to lead and facilitate the meetings. The Agency will have administrative oversight of the project. Routine briefings will be given to the Board, Administration and legislators of the process. It is anticipated that a recommendation will be presented during the Fall 2008.

The process timeline for this project:

- Identify key stakeholders (July-October 2007)
- Identify major issues (July 2007-January 2008)
- Facilitate stakeholder and staff dialogue (February-November 2008)
- Produce recommendations to achieve the hound hunting recreational goal (November 2008)

VDGIF and Virginia Tech will be responsible in selecting a diverse group of stakeholders. Persons or groups include: hunters who do and do not use hounds; other recreationists (hikers, campers, etc.); private landowners and other citizens; local governments; public land management agencies; animal welfare and other wildlife interests and NGO's and others. This list is not inclusive and will expand over time.

When identifying major issues staff will review biological, sociological, administrative, legal, economic, and political aspects. Conduct a public internet survey using a web forum and meetings with the stakeholder focus groups (group interview with each interest separately). The staff will work with Virginia Tech to schedule meeting during the fall prior to the formation of the Stakeholders Advisory Group.

In order to facilitate the dialogue that will occur, this process will include one or more stakeholder advisory committees made up of key stakeholder representatives; VDGIF will form a technical committee comprised of wildlife, law and other staff; Virginia Tech will form a facilitation team and the agency will retain administrative oversight.

In summary: Hound hunting is an important tradition; modern challenges demand solutions; developing a proactive approach that is best for all parties; provide opportunities for all to be involved and the time to start is now.

The staff makes the following recommendations: draft a report (joint committee work); broad public review of draft report; potential solutions are not restricted (non-regulatory, educational efforts, regulatory amendments and statutory amendments).

Mr. Duncan concluded his remarks with the following quote from **Aldo Leopold, father of wildlife management, 1933** "*The problem of game management is not how we shall handle the deer...the real problem is one of human management.*" He thanked everyone for their time and attendance.

Following Mr. Duncan's presentation, Mr. Hazel stated that it was important for everyone to understand that there is not a pre-determined outcome in addressing this issue.

The Board requested when periodic reviews and stakeholder meetings are held that it would be helpful to have a brief summary in a slide that separates current regulation vs. statutory to help everyone to understand the process as it moves forward.

In preparation for Public Comment regarding this issue, the Chairman invoked the following rule for persons making comments: Five minutes if you are representing a group or organization and three minutes for individuals.

**Public Comments:**

Mr. Robert J. Brown, Jr., Saluda, Virginia, represented the Full Cry Hunt Club, stated his hunt club supported the current laws.

Mr. Reg Cook, LaCrosse, Virginia, represented the Blackridge Hunting Dog Association, spoke on the economic impact of hound hunting.

Mr. Frank L. Ezell, Lacrosse, Virginia represented the Super Shack Hunt Club and withdrew his request to speak.

Mr. Todd Watson, South Hill, Virginia represented the Stonehill Hunt Club, spoke on their relationship with the community and the use of tracking collars.

Mr. David Napier, Colonial Heights, Virginia represented the C. A. T. Hunt Club, stated his club felt it should be a locality issue.

Mr. Bryan Morris, Charlotte Courthouse, Virginia, represented the United Eastern Virginia Hunting Dog Association, and spoke on the history of hound hunting and current legislation. They are in support of hound hunting.

Mr. Allan Bishop, Rockville, Virginia represented the Holly Grove Hunt Club, and stated that most of his issues have been addressed but spoke regarding the fox hunting proposals.

Mr. James Saunders, Richmond Virginia, represented the Curls Neck Hunt Club, stated they had a good relationship with the community and he also spoke on the loss of land used for hunting.

Ms. Melinda Clary, Brodnax, Virginia, represented the Old Store Hunt Club, and stated she is the president of the club and they hunt year round. The club also prepares food plots on the land for wildlife and they have a good relationship with the landowners.

Mr. Chuck Clay, Saxe, Virginia, stated he has been raising hounds for 20 years and he also spoke on the tradition of hound hunting.

After Mr. Clay's remarks, Mr. Montgomery reminded everyone on behalf of the Board that today was just the beginning of the discussion on the Hound Hunting Process Proposal and there would be no decision on this issue today. He asked everyone to carry the message back to their groups.

Mr. Railey stated that if there was opposition to the 1,000 acre limit, please attend the focus group meetings to provide further input.

Mrs. Crumley stated that several of the speakers have insinuated that the Board is "sneaking up on you". We are not able to "sneak up on you". In addition to the written minutes of the Board meetings, the audio portion is available to the public on website. She reminded everyone that when 3 or more Board members are in a room or meeting together, a public meeting notice has to be given in a timely manner and open to the public. The Board is more that willing to meet with everyone and she encouraged everyone to attend the regularly scheduled meetings. She made reference to the post card that was mailed stating this meeting was an "Anti-Hunting" meeting.

Mr. Michael Crutchfield, South Hill, Virginia, withdrew his remarks.

Mr. Woo Daves, Spring Grove, Virginia stated his support of the proposal.

Mr. Douglas B. Mason, Jr., Fincastle, Virginia, represented the Virginia Houndsmen and Sporting Dog Association thanked the Board for their work and stated they looked forward to working with the Board to develop a solution on this proposal.

Mr. James H. Massie, Madison Heights, Virginia, represented the Seminole Hunt Club, and spoke regarding the right to retrieve dogs and finding a compromise.

Mr. Wade McClintock, Midlothian, Virginia, represented the Central Virginia Chapter of Quail Unlimited and the Arvon Hunt Club, and stated they practice safe hunting and spoke on the tradition of hound hunting. The club leases the land they hunt and do not have any problems with the landowners.

Mr. Jay Miller registered to speak but left during the presentations.

Mr. Denny Quaiff, Chesterfield Virginia, represented the Virginia Deer Hunters Association. He spoke on the history of hound hunting and that they support the proposal as presented today.

Mr. Ed Whitley, Franklin, Virginia, represented the Blackwater Hunt Club, and stated he was a farmer and had been hunting for a long time. He also referred to several articles regarding hound hunting that were published in the *Virginian Pilot*.

Mr. Nelson Baird, Brodnax, Virginia, is a landowner and spoke regarding the relationship between landowners and the hunters.

Ms. Elizabeth Wykle, Forest, Virginia, spoke regarding the heritage of hunting with hounds in Virginia. She supports all hunting with hounds.

Mr. Floyd F. Smith, Goochland, Virginia, stated that from the information he has collected that some people feel that Board members should be elected and not appointed by the Governor. He is a rabbit hunter and the rabbit hunters are not supported.

Mr. Charles Montgomery, Buchanan, Virginia, represented the Virginia Bear Hunters Association, and stated he had provided the Board a list of proposals regarding Bear Hunting Season. The proposals include: (1) allow training of dogs twenty-four hours a day during the bear chase season; (2) extend the current bear chase season to include the entire month of August; (3) request the southside area of the state be given a chase season to run concurrent with the season in the rest of the state; (4) increase the hunting season by one additional week of early hunting season, either the last week of October or the first week of November in areas where bear population need to be stabilized; (5) consider adding the entire month of January to the season for hunting bear with dogs. This would be for additional hunting opportunities and would not be used as means by taking away any of our existing hunting seasons. He submitted a written letter that also addressed the issue of feeding bear.

Mr. Robert C. Jones, New Canton, represented the New Canton Hunt Club, and spoke regarding dog turkey hunting.

Mr. Jason Henderson, Richmond, Virginia stated he is in favor of dog hunting. He also spoke regarding the communication between the landowner and the dog owner.

Mr. Carl Upshaw, Bowling Green, Virginia, spoke on preserving the right to hunt.

Mr. Gene Funk, Fries, Virginia represented the Poplar Camp Fox Pen, Inc. and spoke regarding the legalization of coyotes for training purposes.

Mr. Hazel thanked everyone for coming and asked for everyone to rise who came to hear the proposal today. The Board and Staff take this issue very seriously and will continue to work towards finding a solution.

#### **Public Comments – Non-Agenda Items:**

Mr. Andrew J. Currie, Alexandria, Virginia, spoke regarding the open carry of defensive firearms in State and Federal Parks.

Mr. Phillip VanCleave, Midlothian, Virginia, represented the Virginia Citizens Defense League; and spoke regarding the regulations of firearms – open carry for protection in state and Federal Parks and using pistols on ranges.

Mr. Chet Szymecki, Yorktown, Virginia, supports hound hunting. He also spoke regarding the lawful open carry of firearms for personal/family protection in State and Federal Parks.

Ms. Kim Hosin, Woodbridge, Virginia, represented the Prince William Conservation Alliance, and spoke regarding Merrimac Farms.

Mr. Michael Burnett registered to speak but did not show when his name was announced.

The Chairman called for a ten minute break.

After the ten minute break, the Chairman called the meeting back to order. The Chairman asked for comments from the Board. Mr. Stroup noted for the record the concerns expressed by some of the comments today regarding the implications that the Board Members are not hunters, fisherman or lovers of the outdoors. He wanted to clarify that members of the Board do hunt, fish and also own dogs. In addition, they love the outdoors and have long histories of participating in these activities. He and the other members of the Board also appreciate the traditions of these sports.

**Mr. Hazel called for a motion on the Hound Hunting Process Proposal. Mr. Railey made the following motion: I hereby move the Board direct the Wildlife Division staff of DGIF to move forward with the process to study the Hound Hunting issues as outlined in the staff's presentation. Tom Stroup seconded the motion. Ayes: Pollard, Montgomery, Greer, Railey, Burton, Crumley, Hill, Kozuch, Yates, Stroup and Hazel.**

Mr. Hazel stated that following the Webless Migratory Gamebirds, September Waterfowl Seasons 2007-2008, the Board would go into closed session.

Mr. Hazel called on Mr. Bob Ellis of the Wildlife Division to present the Webless Migratory Gamebirds, September Waterfowl Seasons 2007-2008. Mr. Ellis presented the following federal framework:

### **DOVE**

Outside Dates: September 1-January 5

Two season length and bag limit options are available. Hunting dates may run consecutively or be split into not more than three (3) segments.

#### **Option A:**

Season Length: Not more than **70 days**

Bag Limit: **12 daily** and 24 in possession.

#### **Option B**

Season Length: Not more than **60 days**



Bag Limit: **15 daily** and 30 in possession

**Shooting Hours:** Between ½ hour before sunrise until sunset daily (State may select ½ day shooting in any segment).

**Staff Recommendation: Option A (70 days)**

**Season Dates:** September 1-September 29 (29 days)  
October 5-October 27 (23 days)  
December 26-January 12 (18 days)

**Bag Limit:** 12 daily and 24 in possession

**Shooting Hours:** Noon until sunset in first segment, ½ hour before sunrise until sunset in the second and third segments.

**RAILS**

**Outside Dates:** September 1- January 27  
**Season Length:** 70 days, straight or 2 segments  
**Bag Limit:** Clapper/King – 15 daily, 30 in possession  
Sora/Virginia – 25 daily, 25 in possession  
**Shooting Hours:** ½ hour before sunrise until sunset daily.

**Staff Recommendation:**

**Season Dates:** September 10-November 17 (69 days)  
**Bag Limit:** Clapper/King – 15 counted together daily, 30 in possession  
Sora/Virginia -25 counted together daily, 25 in possession  
**Shooting Hours:** ½ hour before sunrise until sunset

**Note:** This recommendation provides 22 day of 3-foot or greater lunar tides.

**WOODCOCK**

**Outside Dates:** October 1- January 31  
**Season Length:** 30 days, straight or 2 segments  
**Bag Limit:** 3 daily, 6 in possession  
**Shooting Hours:** ½ hour before sunrise until sunset.

**Staff Recommendation:**

**Season Dates:** October 27-November 10 (15 days)  
December 22-January 5 (15 days)

**Bag Limit:** 3 daily, 6 in possession  
**Shooting Hours:** ½ hour before sunrise until sunset.

### **SNIPE**

**Outside Dates:** September 1-January 31  
**Season Length:** 107 days, straight or 2 segments  
**Bag Limit:** 8 daily, 16 in possession  
**Shooting Hours:** ½ hour before sunrise until sunset

### **Staff Recommendation**

**Season Dates:** October 4-October 8 (5 days)  
October 22-January 31 (102 days)  
**Bag Limit:** 8 daily, 16 in possession  
**Shooting Hours:** ½ hour before sunrise until sunset

### **SEPTEMBER CANADA GOOSE**

**Outside Dates:** September 1-25  
**Bag Limit:** 15 daily, 30 in possession  
**Shooting Limit:** ½ hour before sunrise to sunset  
(\*except as provided for in special hunting options)

### **\*Special Hunting Options:**

Allows the use of electronic calls, unplugged shotguns and extended shooting hours (½ hour after sunset) when no other waterfowl seasons are open.

### **Staff Recommendations:**

**Season Dates:** September 1-September 25 (21 days)  
**Bag Limit:** 5 daily, 10 in possession  
**Hunt Area:** Statewide  
**Shooting Hours:** September 1-15: ½ hour before sunrise to ½ hour after sunset  
September 17-25: ½ hour before sunrise to ½ hour **to sunset**

### **SEPTEMBER TEAL**

**Outside Dates:** September 1-30  
**Season Length:** Up to 9 days  
**Bag Limit:** 4 daily, 8 in possession  
(Blue-Winged and Green-Winged Teal only)  
**Shooting Hours:** ½ hour before sunrise to sunset.

#### **Staff Recommendations:**

**Season Dates:** September 17-September 26 (9 days)  
**Hunt Area:** East of I-95  
**Bag Limit:** 4 daily, 8 in possession (any combination of Blue-Winged and Green-Winged Teal)  
**Shooting Hours:** ½ hour before sunrise to sunset

### **FALCONRY**

**Outside Dates:** September 1-March 10  
**Season Length:** Not more than 107 days on any species (Firearms and Falconry combined).  
**Bag Limit:** 3 daily, 6 possession  
**Hawking Hours:** ½ hour before sunrise until sunset

#### **Staff Recommendations:**

No combination of falconry and firearms hunting can exceed 107 day for any species.

#### **Season Dates:**

**Dove:** September 1-November 3 (64 days)  
December 1-January 12 (43 days)  
**Rail:** September 10-December 25 (107 days)  
**Woodcock:** October 20-February 3 (107 days)  
**Snipe:** October 4-October 8 (5 days)  
October 22 – January 31 (102 days)  
**Goose:** September 1-September 25 (21 days)  
**Teal:** September 17-September 26 (9 days)  
(east of I-95)

**Note: In states where Sunday hunting is prohibited, Federal rule closes Sundays to all take of waterfowl, including by falconry.**

For clarification, the Board asked that if they approve these proposed regulations, will they be considered the official regulations for the season and will be treated differently than the regulations that will be presented later on the agenda? The staff stated that if the Board approves the regulations as presented this will be the official Webless Migratory Gamebirds, September Canada Goose, September Teal and Falconry Season for 2007-2008. The chairman asked for discussion or questions from the Board. Mr. Hazel asked about Teal east of I-95 – He stated that he has seen quite a few west of 95. Is there a reason other than biological and the demarcation line? Staff indicated that the reason for not having a teal season west of I-95 was the increased potential for harvesting wood ducks and that the majority of teal are found east of I-95. If a season were to be considered west of I-95, a three year evaluation of non-target species harvest would have to be conducted per Federal guidelines.

**Public Comment on the proposed regulations:**

Mr. Robert Woolfolk, Bumpass, Virginia, stated his questions and concerns had been addressed and withdrew his request to speak.

Mr. Floyd F. Smith, Goochland, Virginia, withdrew his request to speak.

**The Chairman called for the motion to adopt the regulations as presented. Ms. Crumley made the following motions: Mr. Chairman, I hereby move that the Board adopt the Webless Migratory Gamebird, September Canada Goose, September Teal and Falconry seasons and bag limits as recommended by staff and to further authorize staff to modify seasons and bag limits, if necessary, to comply with the established Federal Frameworks. The motion was seconded by Richard E. Railey, Jr. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates, Stroup, Hazel.**

**The Chairman stated they would now go into closed session for approximately 1 hour. The Chairman called upon Dr. Greer for a motion to go into closed session.**

**At 12:26pm, Dr. Greer made the following motion:**

**Mr. Chairman,**

**I move that the Board go into a closed meeting pursuant to Section 2.23711.A.3 of the Code of Virginia for discussion or consideration with respect to land acquisitions at the following locations: Highland County; Prince William County; and Tazewell County;**

**And pursuant to Section 2.2-3711.A.1 of the Code of Virginia for discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public**

officers, appointees, or employees of the Department of Game and Inland Fisheries specifically regarding: The performance of the Director. Motion seconded by Charles Yates. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates, Stroup and Hazel.

At 1:33pm, The Chairman called upon Dr. Greer for the following certification motion:

Mr. Chairman, I certify that whereas, the Board of Game and Inland Fisheries has convened a closed meeting on meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act, and whereas Section 2.2-3712.D of the Code requires a certification by this Board that such a meeting was conducted in conformity with the Virginia law; now therefore, be it resolved that the Board of Game and Inland Fisheries hereby certifies that (1) to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. Motion seconded by Charles Yates. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates, Stroup and Hazel.

The staff recommended that the Board take action on items discussed in closed session.

Ms. Crumley made the following motion: Mr. Chairman, I move that the Board authorize the director to proceed to acquire approximately  $\pm 302$  Acres of land in Prince William County, Virginia, and such acquisition shall be according to applicable state procedures. Motion seconded by John Montgomery. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates, Stroup, Hazel.

Ms. Crumley made the following motion: Mr. Chairman, I move that the Board authorize the Director to proceed to acquire approximately  $\pm 177$  acres of land in Highland County, Virginia, and such acquisition shall be according to applicable state procedures. Motion seconded by John Montgomery. Ayes: Pollard Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozuch, Yates, Stroup and Hazel.

Ms. Crumley made the following motion: Mr. Chairman, I move that the Board authorize the Director to proceed to acquire approximately  $\pm 101$  acres of land in Tazewell County, Virginia, and such acquisition shall be according to applicable state procedures. Motion seconded by Mr. Burton. Ayes: Pollard, Greer, Montgomery, Railey, Burton, Crumley, Hill, Kozcuh, Yates, Stroup and Hazel.

The Chairman stated that these acquisitions total just over 600 $\pm$  acres that is not currently available for public access. If the Agency is successful in these purchases, this land will

be available to the public for hunting and fishing in the future. He thanked the staff for their recommendations.

### **2007 Regulation Review and Amendment Process**

The Chairman stated the Board will begin the review of the proposed staff regulations from all of the Divisions (Wildlife, Fisheries, Wildlife Diversity and Boating). If these proposed regulations are approved today, they will be distributed for public comment and voted on and adopted during the October Meeting as final regulations. He noted that several people have signed up to speak regarding these regulations and will be called upon to speak as the process moves forward.

The Chairman recognized Mr. David Whitehurst who gave a brief presentation on the 2007 Periodic Regulation and Review and Amendment Process.

Mr. Whitehurst made the following presentation:

**The 2007 Regulation Review and Amendment Process Schedule Process is as follows:**

Staff Preliminary Recommendations Development Period Feb 1- March 12, 2007

**Staff Preliminary Recommendations presented to Board – March 27, 2007**

Preliminary Recommendations for Public Discussion Period - April 10-June 15, 2007

Staff Proposal –State Recommendations Development Period – June 16-June 29, 2007

**Regulation Proposal Board Meeting - July 17, 2007**

Proposed Regulations Public Comment Period – July 24-September 24, 2007

Staff Final Recommendation Development Period – Sept. 25-Oct 2, 1007

**Final Action Board Meeting – October 16, 2007**

Regulation Effective Dates January 1, March 1, July 1, 2008.

During the *Preliminary Recommendations Public Discussion Period*, the Board held their scheduled meeting on June 5, 2007. No other regulatory process action occurred, but public comments on Preliminary Recommendations were accepted.

During the *Proposed Regulations Public Comment Period*, the Board will hold their scheduled meeting on August 21, 2007. Public comments on Proposed Regulations are accepted, but no other regulatory process action is scheduled. (Migratory waterfowl seasons and bag limits are set.)

Public participation in the 2007 Regulation Review and Amendment Process is solicited and strongly encouraged. The ways to participate and submit comments are:

**Online** through the agency website, [www.dgif.virginia.gov](http://www.dgif.virginia.gov).

**Email** sent to [RegComments@dgif.gov](mailto:RegComments@dgif.gov)

**Mailed letters** sent to: Department of Game and Inland Fisheries Attn: Policy Analyst and Regulatory Coordinator, 4016 West Broad Street, Richmond, VA 23230

**Public Comment at (five) Board meetings.**

**Meetings on request:** On request and subject to their availability, DGIF staff will meet with constituent groups, local government officials, or other groups in local communities to address specific regulatory issues of interest.

The Preliminary Recommendations Public Comment Period ran from April 10-June 15, 2007. The results are listed below:

**Mail:**

- Mailed letters 5
- Emails 7

**Via the online regulatory forum, total citizen recommendations and comments**

• Game, Hunting and Trapping (not including “hunting with dogs”)	1167
• Hunting with Dogs	976
• Non-Regulatory Issues, Primarily Hunting Related	235
• Fisheries and Fishing	4
• Wildlife Diversity	0
• Boating	24
<b>Total online</b>	<b>2456</b>

A total of 572 individuals submitted the 2456 total online recommendations and comments.

A total of 254 individuals submitted a total of 928 comments under one “hunting with dogs” citizen recommendations.

During today’s process, Staff will present their recommendations for the 2007 Regulation Review and Amendment Process.

Mr. Duncan, Wildlife Division Director, presented the staff recommendations for *Hunting and Trapping regulations for the 2008 and 2009 seasons*:

## **DEER**

### **4 VAC 15-90-22 Special late antlerless open season, Fairfax, Fauquier, Loudoun, Prince William Counties.**

#### **Staff Recommendation:**

Extend the special late antlerless deer season in the Counties of Fairfax, Loudoun and Prince William by ending the season on the last Saturday in March instead of the first Saturday in February.

Add the County of Fauquier to this late antlerless season.

### **4 VAC 15-90-70 Bow and arrow hunting**

#### **Staff Recommendation:**

Begin the urban archery deer season on the first Saturday in September rather than the third Saturday.

Establish an antlerless deer archery season in Loudoun and Prince William Counties with dates corresponding to the urban archery season.

### **4 VAC 15-90-80 Muzzleloading gun hunting**

#### **Staff Recommendation:**

Establish a late muzzleloading deer season in the City of Suffolk (east of the Dismal Swamp line) with the last six days of the season either sex deer hunting days.

Increase the number of either sex deer hunting days during the late muzzleloading season on private lands in Grayson County from 1 to 6 days.

### **4 VAC 15-90-90 Bag limit, bonus permits and special antlerless provision for youth hunters and “Earn A Buck”**

#### **Staff Recommendation:**

Establish a special “Earn A Buck” regulation on private lands in the Counties of Bedford, Fairfax, Fauquier, Franklin, Loudoun, Patrick, Prince William and Roanoke.

Require that in these counties at least one antlerless deer must be taken before a second antlered deer of the license year is taken and that at least two antlerless deer must have been taken in Bedford, Fairfax, Fauquier, Franklin, Loudoun, Patrick, Prince William before the third antlered deer of the license year is taken.

### **4 VAC15-90-91 General Firearms season either sex deer hunting days**

#### **Staff Recommendation:**



Adjustments are made in either sex deer hunting days for counties and public lands based on deer management plan population objectives.

Recommending either sex deer hunting days:

**Increase in 16 counties.**

**Reduced on public lands in 12 counties.**

**Reduced on private lands in western Rockingham County and Rockbridge County.**

Graphs were presented that showed these recommendations.

### **BEAR**

**4 VAC 15-50-20** Open season; First Monday in December and for 11 consecutive days following in certain counties, or portions of counties on the Clinch Mountain and Hidden Valley Wildlife Management Areas.

**Staff Recommendation:**

Establish a two week open season on lands soon to be purchased by the Department of Forestry as a State Forest in Washington and Russell Counties.

**4 VAC 15-50-25** Open season; Cities of Chesapeake, Suffolk and Virginia Beach.

**Staff Recommendation:**

Change the opening date of the bear season from the first Monday in November to October 1 in the Cities of Suffolk, Chesapeake and Virginia Beach.

**4 VAC 15-50-81** Validating tags and checking bear by licensee

**Staff Recommendation:**

Remove the requirement to “seal” (with a nose tag) bears harvested by licensed hunters when they are checked at check stations.

**4 VAC 15-50-91** Checking bear by persons exempt from license requirements or holding a license authorization number.

**Staff Recommendation:**

Remove the requirement to “seal” (with a nose tag) bears harvested by exempt licensed hunters when they are checked at check stations.

### **SMALL GAME**

**4 VAC 15-200-10** Rabbit & Hares, Open season; generally.

**Staff Recommendation:**

Change the closing date of the rabbit season from February 14 to the last day in February.

**TURKEY**

**4 VAC 15-240-10 Open season; generally.**

**Staff Recommendation:**

Shift the late segment of the general 6 week fall turkey season so that it begins on the Monday nearest December 2 and ends on the last Saturday in December.

**4 VAC 15-240-31 Open season; certain counties and area; Saturday prior to the last Monday in October and for 11 hunting days following, on Thanksgiving Day, and on the Monday closet to December 9 and for 11 hunting days following.**

**Staff Recommendation:**

Shift the late segment of the 4 week fall turkey season so that it begins on the Monday nearest December 2 and would continue for 11 hunting days following.

**4 VAC 15-240-20 Open season, certain counties and areas; Saturday prior to the last Monday in October and for 111 hunting days following, and on Thanksgiving Day.**

**Staff Recommendation:**

Add the City of Suffolk and Accomack and Northampton counties to the 2 week and Thanksgiving Day season

**4 VAC15-240-50 Continuous closed season in certain counties, cities, and areas**

**Staff Recommendation:**

Remove the City of Suffolk, Accomack and Northampton counties from the closed season for fall turkeys.

**4 VAC 15-240-40 Open season; Spring season for bearded turkeys**

**Staff Recommendation:**

Provide for all day hunting on the Spring youth turkey hunt day by changing the end of legal shooting hours from 12 noon to sunset.

**4 VAC 15-240-51 (new) Open season; Youth fall turkey hunt.**

**Staff Recommendation:**

Provide a youth fall turkey hunt day on the third Saturday in October.

**FURBEARERS**

## **BOBCAT**

### **4 VAC 15-70-70 (new) Checking requirements.**

#### **Staff Recommendation:**

Establish a new mandatory automated harvest reporting system for all bobcats harvested by hunters and trappers and provide for a confirmation process as proof of compliance with the regulation.

### **4 VAC 15-70-50 Pelts to be sealed before sale, etc.**

#### **Staff Recommendation:**

Remove the requirement to affix CITES seals on bobcats that are mounted or tanned for personal use and add a provision for the department to authorize individuals to affix CITES tags to bobcats themselves instead of requiring tagging by an “agent” of the department.

## **FOX**

### **4 VAC 15-110-10 Hunting with dogs only. Closed season in certain areas.**

#### **Staff Recommendation:**

Align the open season for dog only fox hunting on designated public areas so it corresponds to the open season for hunting foxes with firearms.

### **4 VAC 15-110-75 Foxhound Training preserves; live trapping for release.**

#### **Staff Recommendation:**

Allow coyotes to be released in foxhound training preserves that meet certain conditions as approved by the director or his designee.

## **GENERAL REGULATIONS**

### **ELECTRONIC CALLS**

**4 VAC 15-40-30 Recorded wild animal or wild bird calls or sounds prohibited in taking game; bobcat, coyotes, crows, and foxes excepted.**

**Staff Recommendations:**

Expand opportunities for hunters to use electronic calls on public lands beyond department –owned wildlife management areas.

### **TRAPPING**

**4 VAC 15-40-210 Restricted use of certain steel foot hold traps.**

**Staff Recommendation:**

Specify that maximum jaw spread of foothold traps set above ground be measured to the inside of the jaws.

## **FIREARMS**

**4 VAC 15-270-40 Shooting or carrying rifle or pistol over public inland waters.**

**Staff Recommendation:**

Allow licensed trappers to shoot a .22 caliber rimfire firearm on or over public inland waters for the purpose of dispatching trapped animals.

Allow agency personnel to carry and shoot rifles or pistols while conducting wildlife management activities on public waters.

**4 VAC 15-270-80 (new) Shotgun shell capacity for non-migratory game and migratory game birds**

**Staff Recommendation:**

Allow the use of unplugged shotguns for hunting non-migratory game.

Allow the director to authorize the use of unplugged shotguns for hunting migratory game birds if consistent with applicable Federal regulations.

## **WATERFOWL**

### **4 VAC 15-30-10 Possession, importation, sale of wild animals.**

#### **Staff Recommendation:**

Prohibit the take, possession, importation, exportation, sale, and release of captive reared waterfowl in Virginia except as otherwise permitted.

Prohibit the release of captive reared mallards except during permitted field trials, shooting towers on licensed shooting preserves and on valid mallard release areas permitted prior to July 1, 2007 as specified.

### **4 VAC 15-40-70 Open dog training season**

#### **Staff Recommendation:**

Prohibit the release of captive reared mallards and properly marked during the open dog training season.

### **4 VAC 15-260-140 The use of non toxic shot for waterfowl hunting**

#### **Staff Recommendation:**

Require the use of non-toxic shot for hunting rails, snipe, moorhens, gallinules and mergansers.

The Chairman called for questions or comments from the Board following the presentation.

Mr. Railey stated he liked the “Earn A Buck” program. He wanted to know if it was possible to get a 4<sup>th</sup> Buck tag for Southampton County. The staff stated that this would be considered a separate issue from the regulation proposed today.

The Board asked for clarification on the shift on the Fall Turkey Season. The staff indicated that there were arguments for and against the shift in the season. The Chairman indicated people had signed up to speak to the issue as presented today. The staff wanted to hear their comments.

Mr. Duncan referred the Board to 4VAC15-40-70 which he overlooked in his presentation and explained the rational behind the recommendation.

The Chairman asked about the moratorium on the permitting process for Mallard Release Areas. He also asked if staff knew how many people wanted to sign up for a permit

during the moratorium. Staff indicated they knew of one but were not sure about any others. Mr. Hazel followed with a question about the grandfather date of July 1, 2007 and if this should have been July 1, 2006 when the moratorium went into effect. The staff has prepared a white paper to distribute to the Board for review on this issue. The Board directed the staff to move forward with advertising the regulation.

The Board asked how law enforcement felt regarding the use of unplugged shotguns for hunting non-migratory game. The staff has worked together on this issue and they will monitor the enforcement of the regulation.

#### **Public comments on Proposed Wildlife Regulations:**

Mr. Gary Smith, Stafford, Virginia, spoke regarding allowing handgun hunters to use handguns during the early and late muzzleloader season. Mr. Smith is the editor of *Handgun Hunter Magazine*.

Mr. Robert C. Jones, New Canton, Virginia, spoke on behalf of the Board of Supervisors of Buckingham County. He presented a letter from the Board of Supervisors stating they support the taking of black bear with the approved black powder rifle during all of the black powder season in Buckingham County.

Mr. Gerald Duncan, Newport, Virginia, spoke regarding the early muzzleloader deer season. He requested a 2 week season west of the Blue Ridge Mountain vs. the 1 week currently in place. He wanted equal treatment –same as east of Blue Ridge Mountain.

Mr. Allen Milton, Roanoke, Virginia, spoke regarding early muzzleloader season west of the Blue Ridge Mountains and related deer hunting regulations. He requested equal treatment same as those east of the Blue Ridge Mountain.

Mr. Eddie Sayers, Dublin, spoke in support of a 2 week early muzzleloader season west of the Blue Ridge Mountain vs. the 1 week currently in place. He wanted same treatment as those east of the Blue Ridge Mountain.

Mr. Marvin Burrell, Fredericksburg, Virginia, spoke regarding fall turkey season.

Mr. J. T. Byrne, Lowry, Virginia, spoke regarding the change of Turkey season. He does not want the season moved to a week earlier.

Mr. Sam Williams, Bedford, Virginia, spoke on behalf of the Bedford Outdoor Sportsmen Association. They requested the Turkey Season not change to allow more opportunities for youth to hunt.

Mr. John Byrne, Lowry, Virginia, spoke regarding the change in Turkey Season. He does not want to see the season moved. Address the problems in the east not in the west.

Mr. David Sexton, Oakwood, Virginia, spoke on behalf of the Southwest Virginia Coon Hunter's Association. They asked for a June/July chase season and asked for assistance in finding a place to hunt. All the land that is available to them is privately owned.

Mr. Bryan Nelson, Shenandoah, Virginia, spoke on behalf of the Virginia Trappers Association. The membership supports all of the proposed furbearer changes except for the stocking of coyotes in running pens. They also would like to see the change in the trap regulation that currently states: body grip trap in excess of 7 inches must be completely submerged. The membership would like to see this changed to read that traps can be half submerged. It would increase the opportunities to trap beavers in the state. They also wanted to change the regulation that currently states: Snare traps no higher than 12 inches from the ground to the top of the loop. The membership would like to see it changed to: It shall be unlawful to trap, or attempt to trap, on land any wild bird or wild animal with any deadfall or snare; provided, that snares with loops no more than 12 inches in diameter and with the ~~top~~ **bottom** of the snare loop not to exceed 12 inches above ground level may be used with the written permission of the landowner; provided further that any snare set above the surface of the ground that is capable of opening greater than 4 inches in diameter, must include a cable stop that prevents the loop from closing smaller than 2 ½ inches diameter. Snares which cannot open greater than 4 inches in diameter are not required to have a stop.

The Chairman thanked everyone for their attendance and comments.

**Mr. Kozuch and Dr. William Greer departed the meeting at 2:00pm.**

The Board asked the staff if it would be possible for them to prepare a recommendation for a 2 week muzzleloading west of the Blue Ridge for the Board to review. Mr. Duncan stated that the Board would have to make a motion today for this change so it could be advertised to be considered at the October Board meeting. The Board also wanted to know if there was a compelling reason for restricting the season west of the Blue Ridge vs. east of the Blue Ridge? Part of it had to do with the impact on turkey season and the increased use of muzzleloaders. Data is being collected through the Annual Hunter Survey and the staff will be able to comment after the collection of data is completed. The staff asked for clarification for advertisement of the regulation: Is it for the bag limit change, season length change or both? The staff stated that the request made from the speakers today was for 2 weeks of muzzleloader season west of the Blue Ridge and 2 deer bag limit. The Board stated they wanted to leave the bag limits alone and change only the length of the season.

Mr. Yates made the motion to advertise for the season length west of the Blue Ridge Mountains same as east of the Blue Ridge. The Chairman asked if the change was to 4 VAC -15-90-80? That is correct. Motion seconded by Crumley. Discussion on the motion: The staff asked for clarification if it was for all lands – Is it intended to be advertised for areas west of the Blue Ridge or is it only private lands. The Chairman deferred to Mr. Yates. Mr. Yates stated all areas unless it presents a problem. Ms. Crumley concurred. Mr. Montgomery asked about the process: If we advertise as

pursuant to the amendment that we extend the season length for all areas for an additional two weeks (The chairman stated that it was not an additional two weeks) - Mr. Montgomery corrected his comments and we go forward with advertising; then decide the original proposal is best can we adopt the original proposal or are we held to the advertised amendment. The staff stated that the Board can be more conservative in the adoption of the regulation but you cannot be more liberal on the adoption of the regulation.

**After discussion the chairman, restated the motion made and seconded is to amend 4VAC 15-90-80 to have a two week muzzleloader season west of the Blue Ridge. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

The Chairman called for motion on the following *Proposed Deer Regulations*:

<b>4 VAC 15-90-22</b>	<b>Special late antlerless deer season</b>
<b>4 VAC15-90-70</b>	<b>Bow and Arrow hunting</b>
<b>4 VAC 15-90-80</b>	<b>Muzzleloading gun hunting</b>
<b>4 VAC 15-90-90</b>	<b>Bag limit, "Earn a Buck"</b>
<b>4 VAC 15-90-91</b>	<b>General firearms either sex deer hunting days</b>

**Mr. Montgomery made the following motion: I hereby move that the Board propose the regulation amendments for deer as presented by staff with the Yates amendment. Motion seconded by Mr. Yates. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Yates, Stroup and Hazel.**

The Chairman called for motion on the following *Proposed Bear Regulations*:

<b>4 VAC 15-50-20</b>	<b>Open season; on State Forest Lands in Washington and Russell Counties</b>
<b>4 VAC 15-50-25</b>	<b>Open season, Cities of Chesapeake, Suffolk and Virginia Beach</b>
<b>4 VAC 15-50-81</b>	<b>Validating tags and checking bear by licensed hunters</b>
<b>4 VAC 15-50-91</b>	<b>Checking bear by persons exempt from license requirements</b>

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for bear as presented by staff. Motion seconded by Mr. Hill: Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.**

The Chairman called for the motion on the following *Proposed Small Game Regulation*.



#### **4 VAC 15-200-10 Rabbit & Hares, Open Season**

**Mr. Hill made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendment for rabbit as presented by staff. Motion seconded by Mr. Railey. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.**

The Chairman called for the motion on the following *Proposed Turkey Regulation*.

- 4 VAC 15240-10      Open Season, generally**
- 4 VAC 15-240-20      Open season certain counties**
- 4 VAC 15-240-31      Open season certain counties**
- 4 VAC 15-240-40      Open season, spring season, youth hunt day**
- 4 VAC 15-240-50      Continuous closed season certain counties**
- 4 VAC 15-240-51 (new) Youth Fall turkey hunt day**

Before voting on the proposed regulations, the Board held a brief discussion 4 VAC 15-240-10. The question is how hard is it to look at the issue of eastern part of the state vs. the western part of the state. The argument presented today is that the Eastern part of the state is where there is a problem killing hens in the last week of the season when you are hunting deer at the same time. The staff stated the difference is the harvest rates. The staff also stated they could recommend two options: (1) East and West of the Blue Ridge or (2) pick and choose counties that are in a block that have low densities and are stable in their population trend. Either way the latter is more biologically sound. The Board stated that decreasing the opportunity for youth to hunt as some of the speakers have suggested is not what the Board wants to do. The Board would like to suggest not deleting the last week in December west of the Blue Ridge – leave that week in the proposal and say the entire area west of the Blue Ridge. The Board recommended an amendment to the motion that will be made and have the staff determine the effected regulations.

Mr. Montgomery made the following motion on the *Proposed Turkey Regulations*: Mr. Chairman, I hereby move that the Board propose the regulation amendments for turkey as presented by staff with the exception **that West of the Blue Ridge the dates remain the Monday nearest to December 9 through the 1st Saturday in January with all dates being inclusive.**

Someone from the Audience asked for clarification on what is considered west and east? Bedford County is on the East side of the Blue Ridge. The person was thinking Hwy 29 East. It should be west of the “Dog” line or Hwy 29. Mr. Montgomery adopted the clarification.

***The Chairman called for the vote on the motion with the clarification: the motion made by John Montgomery would be to propose the regulations as amended by staff***

*with the exception that west of the dog line as explained by Mr. Duncan will remain the Monday nearest December 9 through the 1st Saturday in January. Motion seconded by Ms. Crumley. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.*

The Chairman called for the motion on the *Proposed Furbearers Regulations*:

- 4 VAC 15-70-70 (new) Bobcat, checking requirements**
- 4 VAC 15-70-50 Bobcat, pelts to be sealed before sale**
- 4 VAC 15-110-10 Fox, hunting with dogs only**
- 4 VAC 15-110-75 Fox, Foxhound training preserves, coyote releases**

**Ms. Crumley made the following motion: Mr. Chairman, I move that the Board propose the regulation amendments for Bobcat and Fox and presented by staff. Motion Seconded by John Montgomery. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.**

The Chairman called for the motion on the *Proposed General Regulations*.

- 4 VAC 15-40-30 Recorded wild animal or bird calls or sounds**
- 4 VAC 15-40-210 Restricted use of certain leg hold traps**

The staff expressed concern regarding the comments made by the Virginia Trappers Association and they have not responded to their comments. They would be glad to address those now if the Board requests them to proceed. Mr. Ward Burton stated that he was the only trapper on the Board and as a life time member of the VTA association; he concurs with the Associations recommendations. The staff stated that with all due respect their concern was that the snare with the lock – they have no opposition to it as long as it has the locking device on it that allows for the escape of non-target species. They are also concerned about having a trap set half out of water for non-target species. Mr. Burton wanted an example. The staff stated anything that is not an aquatic furbearer.

**Mr. Burton made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for 4 VAC 15-40-30 and 4 VAC 15-40-210 as presented by staff. Motion Seconded by Ms. Pollard.**

The Chairman asked Mr. Burton if he wanted to include an amendment to the motion for further study. Mr. Burton stated that he would like to have further study. The Chairman stated that the amendment would be needed today or postponed this regulation for another two years. The Board suggested that they advertise the regulation and make it restrictive if necessary after the information is received.

Ms. Pollard asked if the amended motion would be to have the snare no higher than 12” in diameter partially submerged. The staff stated that there are two different issues: (1) is the submerged trap and (2) the snare trap and the requirement for the lock.

The Chairman stated the motion to be and staff is to make sure the motion is correct: that the Board move the two proposals 4 VAC 15-40-30 and 4 VAC 15-40-210 with the additional language that you can have a body gripping trap half out of the water and that the snare trap would have a cable lock. A motion and a second to amend 4 VAC 15-40-210 and approve 4 VAC 15-40-30 as presented. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.

The Chairman called for the motion on the *Proposed Firearms Regulations*.

**4 VAC 15-270-40        Shooting or carrying rifle or pistol over public waters**  
**4 VAC 15-270-80 (new) Shotgun shell capacity for non-migratory game and migratory game birds**

**Mr. Railey made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for firearms as presented by staff. Motion seconded by Mr. Stroup. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill Stroup, Yates and Hazel.**

The Chairman called for the motion on the *Proposed Waterfowl Regulations*.

**4 VAC 15-30-10 Possession, importation, sale etc. of wild animals**  
**4 VAC 15-40-70 Open dog training session**  
**4 VAC 15-260-140 Use of non-toxic shot for migratory bird hunting**

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board propose the regulation amendments for 4 VAC 15-30-10, 4 VAC 15-40-70, and 4 VAC 15-260-140 as presented by staff. Motion seconded by Ms. Pollard. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.**

The Chairman thanked everyone for their participation and called for a five minute break.

The Chairman called the meeting back to order and called upon Mr. Gary Martel of the Fisheries Division for his proposed Fisheries Regulations. Mr. Martel presented the following staff recommended amendments to the *Fish Regulations*.

**4 VAC 15-320-25        Fish: Fishing Generally. Creel and length limits.**

**Staff Recommendation:** The recommendation is to (i) establish a “No walleye less than 18 inches” regulation in the Middle Fork Holston and South Holston rivers, (ii) correct the “No possession (catch and release only)” demarcation lines for American shad and hickory shad by adding “above Harvell Dam” after “Appomattox River” and adding “and the Mattaponi River” after “Pamunkey River”, (iii) modify anadromous (coastal) alewife and blueback herring creel and length limit regulations above and below the fall line in

all coastal rivers of the Chesapeake Bay to be set by VMRC, and (iv) modify the creel and length limits for anadromous (coastal) alewife and blueback herring in the Meherrin, Nottoway, Blackwater (Chowan Drainage), North Landing, and Northwest rivers and their tributaries plus Back Bay to “No Possession”.

**4 VAC 15-330-30 Fish: Trout Fishing. Creel limit; generally.**

**Staff Recommendation:** The recommendation is to (i) remove Philpott Reservoir from waters that have a special daily creel limit of two (2) trout and (ii) clarify that once trout are caught and taken into possession by an angler these trout become part of that angler’s daily creel and cannot be released (culled).

**4 VAC 15-330-200 Fish: Trout Fishing. Special provision applicable to Urban Fishing Program waters.**

**Staff Recommendation:** The recommendation is to clarify that, in Urban Fishing Program waters, once trout are caught and taken into possession by an angler; these trout become part of that angler’s daily creel and cannot be released (culled).

**4 VAC 15-330-100 Fish: Trout Fishing. “Artificial lure” defined.**

**Staff Recommendation:** The recommendation is to clarify that a multiple number of single-hook artificial lures, such as dropper flies, fished in a series, may be used in single-hook artificial lure only waters.

**4 VAC 125-330-120 Fish: Trout Fishing. Special provisions applicable to certain portions of Buffalo Creek, Dan River, ~~Jackson River~~, Pound River, Roaring Run, Sinking Creek, Smith River, and South Fork Holston River.**

**Staff Recommendation:** The recommendation is to remove the special trout regulation section of Jackson River from the “16-inch minimum size (no trout less than 16 inches), 2 trout/day, only artificial lure with single hooks” special regulation trout streams and move it to 4 VAC 15-330-171, to clarify the types of lures that can be used in this portion of the stream.

**4 VAC 15-330-171 Fish: Trout Fishing. Special provisions applicable to certain portions of Jackson River.**

**Staff Recommendation:** The recommendation is to add the “16-inch minimum (no fish less than 16 inches), 2 trout/day” special trout regulation section of Jackson River from the swinging bridge located just upstream from the mouth of Muddy Run, upstream three miles to the last ford on FS 48ID, to existing special regulation 4 VAC 15-330-171 for Jackson River as section B, in order to clarify that multiple-hook artificial lures can be used.

**4 VAC 15-330-160 Fish: Trout Fishing. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Chestnut Creek, Hardware River, Holliday Creek, Holmes Run, North River, Passage Creek, Peak Creek, Peddler River, North Fork of Pound and Pound rivers, Roanoke River, and South River.**

**Staff Recommendation:** The recommendation is to expand the current 1.9 mile section to a 3.1-mile section of Accotink Creek (Fairfax County) that is a delayed harvest trout stream (catch and release from October 1-May 31; trout may be creel from June 1-September 30.)

**4 VAC 15-340-10 Fish: Seines and Nets. Haul seines to take fish for sale.**

**Staff Recommendation:** The recommendation is to make it illegal to harvest anadromous (coastal) alewife and blueback herring using a haul seine in Virginia Beach area waters.

**4 VAC 15-340-30 Fish: Seines and Nets. Gill nets.**

**Staff Recommendation:** The recommendation is to make it illegal to harvest anadromous (coastal) alewife and blueback herring using gills nets in Virginia Beach area waters.

**4 VAC 15-340-40 Fish: Seines and Nets. Dip nets; generally**

**Staff Recommendation:** The recommendation is to make it illegal to harvest anadromous (coastal) alewife and blueback herring using dip nets.

**4 VAC 15-350-20 Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. Gigs, grab hooks, etc.; certain counties east of the Blue Ridge Mountains.**

**Staff Recommendation:** The recommendation is to add a reference so it is clear that there are some creel and length limits for nongame fish.

**4 VAC 15-350-30 Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. Gigs, grab hooks, etc.: certain counties west of the Blue Ridge Mountains.**

**Staff Recommendation:** The recommendation is to add a reference so it is clear that there are some creel and length limits for nongame fish.

**4 VAC 15-350-60 Fish: Gigs, Grab Hooks, Trotlines Snares, Etc. Trotlines, juglines or set poles.**

**Staff Recommendation:** The recommendation is to add a reference so it is clear that there are some creel and length limits for nongame fish.

**4 VAC 15-350-70 Fish: Gigs, Crab Hooks, Trotlines, Snares, Etc. Taking common carp, northern snakehead, and gar with bow and arrow.**

**Staff Recommendation:** The recommendation is to (i) add the word “common” to go with “carp”, (ii) to add northern snakehead to the list of fish that can be taken with a bow and arrow, (iii) remove “crossbows” from the prohibited type of bows and arrows, and (iv) add a section to clarify that an unlimited number of common carp, northern snakehead, and gar can be taken with a bow and arrow, and snakeheads must be reported to the Department.

**Public Comments - Proposed Fish Regulations**

Mr. Hampton Covert, Fredericksburg, Virginia, spoke regarding abolishment of the 32-inch regulation on Blue Catfish.

Mr. Brian Morgan, Fredericksburg, Virginia, spoke regarding abolishment of the current 32-inch catfish regulation.

Mr. Earl Phillips, Richmond, Virginia, requested to speak but was not present when his name was called.

Mr. Neil Renouf, requested to speak but was not present when his name was called.

Mr. Michael Burnett, Richmond, Virginia, requested to speak but was not present when his name was called.

Ms. Dottie McClung, Gordonsville, Virginia, spoke in favor of keeping the current blue catfish regulation.

Mr. Scott Cannon, Richmond, Virginia, represented the James River Catfish Club, and spoke in favor of keeping the current blue catfish regulations.

Mr. Michael Purks, Fredericksburg, Virginia spoke in favor of the 32-inch Blue Catfish regulation.

Mr. Richard Mills, Fredericksburg, Virginia, spoke in favor of the 32-inch Blue Catfish regulation.

Mr. Joe Cannon, Richmond, Virginia, spoke regarding the sport of cat fishing and the economic impact, and in favor of the current Blue Catfish regulation.

Mr. Gary Eagle, Fredericksburg, Virginia, spoke in favor of the 32-inch Blue Catfish regulation.

Mr. Bucky Sanders, Mildford, Virginia, represented the Virginia Catfish Association, and presented the Board with a petition in support of the 32-inch Blue Catfish regulation

Capt. Hugh L. Self, Powhatan, Virginia, spoke in favor of the 32-inch blue catfish limit.

A person from the audience spoke regarding the 32-inch blue catfish limit.

The Chairman thanked everyone for staying to make their comments.

The Chairman asked the staff if there were any catfish regulations. The staff stated they did not have any recommended changes to the catfish regulations. During the June Board meeting, a petition was presented on the catfish regulations. The staff has reviewed the petition. The staff worked with VMRC and the Health Department and they supported the Regulation presented to the Board for approval in 2005. The regulation went into effect July 1, 2006.

The Chairman called for a motion on the *Proposed Fish Regulations*.

- 4 VAC 15-320-25 Fish: Fishing Generally. Creel and length limits.**
- 4 VAC 15-330-30 Fish: Trout Fishing. Creel limit; generally.**
- 4 VAC 15-330-200 Fish: Trout Fishing. Special provisions applicable to Urban Fishing Program waters.**
- 4 VAC 15-330-100 Fish: Trout Fishing. “Artificial lure” defined.**
- 4 VAC 15-330-120 Fish: Trout Fishing. Special provisions applicable to certain portions of Buffalo Creek, Dan River, Jackson River, Pound River, Roaring Run, Sinking Creek, Smith River, and South Fork Holston River.**
- 4 VAC 15-330-171 Fish: Trout Fishing. Special provisions applicable to certain portions of Jackson River.**
- 4 VAC 15-330-160 Fish: Trout Fishing. Special provisions applicable to certain portions of Accotink Creek, Back Creek, Chestnut Creek, Hardware River, Holliday Creek, Holmes Run, North River, Passage Creek, Peak Creek, Peddler River, North Fork of Pound and Pound Rivers, Roanoke River, and South River.**
- 4 VAC 15-340-10 Fish: Seines and Nets. Haul seines to take fish for sale.**
- 4 VAC 15-340-30 Fish: Seines and Nets. Gill nets.**

- 4 VAC 15-340-40      Fish: Seines and Nets. Dip nets; generally**
- 4 VAC 15-350-20      Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. Gigs, grab hooks, etc.; certain counties east of the Blue Ridge Mountains**
- 4 VAC 15-350-30      Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc.. Gigs, grab hooks, etc.; certain counties west of the Blue Ridge Mountains.**
- 4 VAC 15- 350-60      Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. Trotlines, juglines or set poles.**
- 4 VAC 15-350-70      Fish: Gigs, Grab Hooks, Trotlines, Snares, Etc. Taking common carp, northern snakehead, and gar with bow and arrow.**

**Mr. Yates made the following motion: I hereby move that the Board propose the amendments to the *Fish Regulations* as recommended by staff. Motion Seconded by: Mr. Railey. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup, Yates and Hazel.**

Mr. Stroup asked if there was something the Board should be doing to address the conflict (Blue Catfish regulation). The Chairman stated the Board approved the regulation to solve the conflict. The regulation has only been in effect since July 2006 and they should let the process work.

The Chairman recognized David Whitehurst of the Wildlife Diversity Division to present the *Wildlife Diversity Proposed Regulations*.



Mr. Whitehurst gave the following presentation:

**4 VAC 15-20-50      Fish and Wildlife in General. Definitions; “wild animal,” “native animal,” “naturalized animal,” “nonnative (exotic) animal” and “domestic animal.”**

**Staff recommendation:** The recommendation is to update the Department’s “List of Native and Naturalized Fauna of Virginia,” consistent with the current nomenclature and knowledge of the wildlife of the Commonwealth.

**4 VAC 15-20-210      Definitions and Miscellaneous: In General; Definitions; Nonindigenous Aquatic Nuisance Species.**

**Staff recommendation:** The recommendation is to add the Chinese mitten crab (*Eriocheir sinensis*) to the list of Nonindigenous Aquatic Nuisance Species.

**4 VAC 15-30-40      Definitions and Miscellaneous: Importation, Possession, Sale, etc., of Animals; Importation requirements, possession and sale of nonnative (exotic) animals.**

**Staff recommendation:** The recommendation is to add the Chinese mitten crab (*Eriocheir sinensis*) to the list of predatory and undesirable species under 4 VAC 15-30-40.

**4 VAC 15-20-130      Definitions and Miscellaneous: In General; Endangered and threatened species; adoption of federal list; additional species enumerated.**

**Staff recommendation:** The recommendation is to update the Virginia List of Endangered and Threatened species to add two species to the Virginia List of Endangered and Threatened Species and to adopt current taxonomic nomenclature regarding one species.

**4 VAC 15-360-10      Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish. Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.**

**Staff recommendation:** The recommendation is to allow for the personal possession of selected species under certain conditions; allow for the liberation of certain species of native species of wildlife captured and held live under certain conditions; and allow for the use of turtle traps (hoop nets) for the taking of snapping turtles.

There were no public comments regarding the proposed regulations.

The Chairman called for the motion on the following *Proposed Wildlife Diversity Regulations*.

- 4 VAC 15-20-50**      **Definitions and Miscellaneous: In General; Definitions; “wild animal,” “native animal,” “naturalized animal,” “nonnative (exotic) animal” and domestic animal.”**
- 4 VAC 15-20-210**    **Definitions and Miscellaneous: In General; Definitions; Nonindigenous Aquatic Nuisance Species.**
- 4 VAC 15-30-40**      **Definitions and Miscellaneous: Importation, Possession, Sale, Etc. of Animals; Importation requirements, possession and sale of nonnative (exotic) animals.**
- 4 VAC 15-20-130**    **Definitions and Miscellaneous; In General; Endangered and threatened species; adoption of federal list; additional species enumerated.**
- 4 VAC 15-360-10**    **Fish: Aquatic Invertebrates, Amphibians, Reptiles, and Nongame Fish; Taking aquatic invertebrates, amphibians, reptiles, and nongame fish for private use.**

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move that the Board propose the amendments to *the Wildlife Diversity (Nongame) regulations* as recommended by staff. Motion seconded by Mr. Railey. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup and Hazel.**

The Chairman recognized Mr. Charlie Sledd to present the proposed *Boating Regulations*.

#### **CHAPTER 450 WATERCRAFT: COMMERCIAL PARASAIL OPERATIONS.**

The staff stated that the General Assembly passed a law requiring the Board to promulgate regulations on Commercial Parasail Operations. This proposed regulation is presented to you today. The staff also stated that three people have requested to speak regarding this proposed regulation and that these speakers feel they have not had a voice in the passing of the law to promulgate regulations.

The staff stated the Chapter was included in their Board Package. Since the mailing of the package, comments have been received from the Coast Guard on this Chapter. Staff indicated that a difficult challenge with this regulation will be that it is a Commercial regulation and that staff must coordinate extensively with the Coast Guard to ensure that the Board does not pre-empt Federal Law and does not conflict with Coast Guard commercial vessel safety regulations. The staff has tried to include the recommendations

they have made to date. The staff has not heard from Coast Guard Legal on the proposed chapter regulation. Once the proposed regulation is advertised, staff will resubmit back to the Coast Guard for their additional review.

Staff reviewed the language changes with the Board.

The Board asked for clarification on the changes – are they based on Coast Guard Regulations? The staff stated that the changes were based on Coast Guard recommendations and they will continue to receive recommendations. The Coast Guard does not have regulations on commercial parasail operations. The staff used extensive research to draft the Chapter/Regulations. This proposed regulation is still a work in progress and the bill that passed the General Assembly does not give a final date for promulgation of these regulations.

### **Public Comments –Chapter 450 Watercraft: Commercial Parasail Operations.**

Mr. Anthony Budden, Virginia Beach, Virginia, represented Air America Parasail. He stated there are only three parasail operations in the state. All three are located in Virginia Beach. He has been in business for nine years and has a perfect safety record. He doesn't understand why there is an issue. Mr. Budden questioned some of the language included in the proposed regulation. Mr. Budden suggested the Board meet with parasail operators on industry guidelines before approving the regulation.

Mr. David Parker and Mr. Scott Baldwin, Virginia Beach, Virginia represented Adventure Parasail. The Chairman provided an opportunity for both persons to speak regarding the parasail regulation.

Mr. David Parker stated he is the President of Adventure Parasail. He presented the Board with a copy of the letter he sent to Governor Kaine on the issue. Mr. Parker spoke regarding the insurance regulations and guidelines for parasail operations. He has been in business for 20 years.

Mr. Scott Baldwin questioned some of the language in the proposed regulation.

After hearing their comments, The Chairman asked if they had knowledge of any state passing a law similar to the current **Virginia**. Law. They stated there were no states that had this type of law. The Chairman asked for the name of the third parasail operator in Virginia Beach. They gave the name of ???.

The Board asked if there are insurance regulations that the Board could include in the proposed regulation that would improve this regulation. The Chairman stated before the Board held an extensive question and answer period, he asked for clarification from the staff on the promulgation of the regulation. The staff stated there was not a time limit. The Chairman asked staff who is the patron of the Bill. The patron was Delegate Cosgrove. Mr. Ward Burton stated that visitors to the Oceanfront should be safe. Mr. Stroup suggested the staff work with the Parasail operators in the state to promulgate this

regulation and bring their recommendations back to the Board. The chairman asked if it was the consensus of the Board. The Board concurred with the recommendation.

**The Chairman called for a motion on the following proposed permit proposals that are technical/housekeeping in nature.**

**4 VAC 15-20-200 Fees for Miscellaneous Permits**

**4 VAC 15-30-5 Powers, authorities, and duties of the director in permitting.**

**Mr. Montgomery made the following motion: Mr. Chairman, I hereby move the Board propose the regulations as submitted by staff with the exception of those regarding parasailing. Motion seconded by: Stroup. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup and Hazel.**

The Chairman thanked everyone for their comments.

**Approval of the Minutes:** The minutes of the June 5, 2007 meeting have been posted to the Web, and copies were included in the Board member's briefing materials. Chairman Hazel called for any additions, changes, corrections, deletions, modifications, etc. **Ms. Crumley moved that the minutes be accepted as submitted. Motion seconded by Mr. Stroup. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup and Hazel.**

#### **Committee Reports:**

Mr. Hill gave the following **finance committee report**. The finance committee met with the APA on the audit. Mr. Hill and Mr. Montgomery attended the exit interview. The remarks from the auditor were: generally were pleased with status of agency; view finding as clean and no major issues. He thanked the staff for all of their hard work. They recommended that the agency have a designated representative to represent the agency with the APA staff. The committee recommended adjusting the charter of the Board of Game and Inland Fisheries Finance, Audit and Compliance Committee to reflect that the Committee Chair will serve or designee will serve as the Board's point of contact with the external auditors and will meet with the external auditors during the entrance and exit conferences and as other times as requested by the external auditors. The committee has been doing this on a regular basis. **Mr. Hill made the motion that the Board adopt the updated Charter of the Board of Game and Inland Fisheries Finance, Audit and Compliance Committee. Motion seconded by: Mr. Montgomery. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup and Hazel.**

Ms. Crumley gave the following report from the Education, Planning and Outreach Committee. **The committee made the recommendation that the Board amend the Governance Manual to include the following language: Pursuant to Chapter 906 of**

**the 2007 Virginia Acts of Assembly, the Board shall act in accordance with policy of the Commonwealth that there shall be no net loss of those public lands of the Department that are available for hunting in Virginia. Motion seconded by Mr. Ward Burton. Ayes: Pollard, Montgomery, Railey, Burton, Crumley, Hill, Stroup and Hazel.**

**Chairman's Remarks:** Mr. Hazel stated he attended the Outdoor Writers Association Conference in Roanoke. He accepted an award from the Friends of the Rappahannock in Fredericksburg. Governor Kaine recognized support of the Agency for the easements on the Rappahannock River. He and Mr. Montgomery had their quarterly meeting with the Secretary of Natural Resources. Mr. Hazel will be inviting other Board members to attend this quarterly meeting with him in the future. He attended the Bill signing ceremony with Governor Kaine on the no net loss legislation. He will meet with the National Sportsman's Caucus and Shooting Sports Foundation.

He recognized Ms. Pollard as the new board member. He also stated that on behalf of the Board, he expressed a deep appreciation for all the dedication and hard work given by Mr. Marshall Davison.

**Director's Remarks:** Mr. J. Carlton Courter, III, Director of the Department of Game and Inland Fisheries gave the following report. The Board PowerPoint Presentation along with talking points has been distributed and if you have not received your copy or need additional copies, please notify the staff. The ***Outdoor Report*** subscriptions have increased and it continues to provide excellent information on the activities of the agency.

Ms. Belle Harding, former secretary to the Board, continues to enjoy her retirement and will be recognized for her service at a future meeting. The staffing of the directors office is doing quite well and feel free to contact Angie Goff or Beth Drewery anytime for assistance.

The Fray tract has been deeded and is included in the Governor's 400,000 acres. The staff is currently negotiating with the Goodall family on the framework for an agreement.

A land conservation training meeting was held for the Agency staff. The staff is currently working on an agency conservation brochure.

He attended the Cooperators Meeting at Virginia Tech.

The Law Enforcement Division recently graduated their 3<sup>rd</sup> class and the new officers have been assigned to different Regions across the state.

He has been meeting monthly with the Secretary and also conducts a monthly Staff meeting with senior staff.

Mr. Courter appreciates the continued guidance and input from the Board.

The staff noted the Board PowerPoint Presentation will be changed to reflect Ms. Pollard's appointment to the Board as the representative for the First Congressional District.

Mr. James Adams invited the Board to the Boat Ramp Dedication in Franklin, Virginia on July 26, 2007.

The Chairman called for additional business. There being none the Chairman called for a motion to adjourn. Ms. Crumley made the motion to adjourn. Motion seconded by Mr. Montgomery. The next meeting will be held on August 21, 2007.

Respectfully submitted,

Beth B. Drewery  
Board Secretary